

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

HCA FRANCHISE CORPORATION, a Nevada  
corporation

PLAINTIFF

v.

Case No. 6:16-cv-6126

SOUTHERN HOME CARE ASSISTANCE,  
INC., an Arkansas corporation; ZACHARY F.  
SMITH, an individual; and LINDSEY R.  
SMITH, an individual, jointly and severely

DEFENDANTS

**ORDER**

Before the Court is an Agreed Motion for Partial Amendment of the Court's Order Granting Motion for Attorneys' Fees filed by Defendants Southern Home Care Assistance, Inc., Zachary F. Smith, and Lindsey R. Smith (collectively, "Defendants"). ECF No. 58. The parties request a partial amendment of the payment of attorneys' fees provision in the Court's Order, which awarded Plaintiff HCAFranchise Corporation ("HCA") reasonable attorneys' fees in the amount of \$13,187.50 and reasonable costs in the amount of \$172.35. *See* ECF No. 55. The Order directed Defendants to make payment to HCA within sixty (60) days of the Order's entry date.

The Court, being well advised, finds that the motion (ECF No. 58) should be and hereby is **GRANTED**. Accordingly, the Court's Order (ECF No. 55) is amended in only the following respects:

In lieu of Defendants' payment of \$13,187.50 in attorneys' fees ordered by the Court to have been paid to HCA on or before January 29, 2018 (within 60 days of the entry of the Court's Order), which Defendants admit they failed to pay, Defendants shall reimburse HCA for its attorneys' fees as follows:

- (1) Defendants shall pay the previously ordered total amount of \$13,187.50 in attorneys' fees to HCA in 18 consecutive monthly installments of \$750.00, to be paid by certified funds made payable to HCA Franchise Corporation and mailed via United States Postal Service certified mail or trackable overnight delivery service (via a reputable national carrier) to: HCAFranchise Corporation, c/o Matthew J. Kreutzer, Esq., Howard & Howard PLLC, 3800 Howard Hughes Parkway, Suite 1000, Las Vegas, Nevada, 89169. The amount by which such payments total more than the \$13,187.50 in attorneys' fees originally ordered by the Court to be paid to HCA will be interest paid to HCA, as agreed to by Defendants;
- (2) Defendants will mail each such monthly installment post-marked on or before the first Monday of each month, with the first payment being mailed on or before April 2, 2018, and the last payment being mailed on or before September 2, 2019;
- (3) Any missed or late monthly installment will be a further violation of the Court's Order and subject Defendants to further sanctions by the Court.<sup>1</sup>

**IT IS SO ORDERED**, this 19th day of March, 2018.

/s/ Susan O. Hickey  
Susan O. Hickey  
United States District Judge

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<sup>1</sup> The parties' motion stipulates that a "late monthly installment" is defined as ten (10) days late.